

19365. Adulteration and misbranding of Sozodont liquid. U. S. v. 106 Packages of Sozodont Liquid. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26463. I. S. No. 22131. S. No. 4709.)

The labeling of the Sozodont liquid involved in this action contained representations that the article possessed curative and therapeutic properties which examination showed it did not possess. The article was also represented to be antiseptic, whereas it was not.

On June 3, 1931, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 106 packages of Sozodont liquid, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped in part by the Block Drug Co., from Brooklyn, N. Y., on or about November 29, 1931 (1930), and in part by Hall & Ruckel (Inc.), on or about January 17, 1931, and that it had been transported from the State of New York into the State of California, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of borax, soap, small proportions of flavoring material including menthol and methyl salicylate, glycerin, alcohol (24.2 per cent by volume), and water, colored with a red dye. Bacteriological examination showed that the article was not antiseptic.

It was alleged in the libel that the article was adulterated in that it was sold under the following standard of strength, "Antiseptic," whereas the strength of the article fell below such professed standard, in that it was not antiseptic.

Misbranding was alleged for the reason that the statement "Antiseptic," appearing on the carton and bottle labels, was false and misleading. Misbranding was alleged for the further reason that the statements on the carton, "Sozodont Liquid is a good medium for use in massaging the gums. The gums should be thoroughly massaged to reduce the chances of pyorrhea," were statements regarding the curative or therapeutic effects of the article, and were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed.

On January 15, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19366. Misbranding of Capillaris-X. U. S. v. 299¾ Dozen Packages of Capillaris-X. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27407. I. S. No. 38989. S. No. 5578.)

Examination of a drug product, known as Capillaris-X, from the shipment herein described having shown that the labeling represented that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On December 21, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 299¾ dozen packages of Capillaris-X, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the Capillaris Manufacturing Co., from Montclair, N. J., on or about November 7, 1931, and had been transported from the State of New Jersey into the State of Massachusetts, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of a petrolatum base containing ammoniated mercury and boric acid.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative or therapeutic effect of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "For Scalp and Skin Diseases;" (label) "For skin troubles, scalp diseases, humors, eruptions, * * * Should be used at the first indi-